



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Applicant:

AUGUST H. BECK, III

Filed: June 18, 1999

Serial No.: 09/336,204

Title: PILOTED DRILL BARREL AND
METHOD OF USING SAME

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Art Unit: 3671

Examiner: Nathan S. Mammen

Docket No.: 063007.0010

AP/3671
#17/Beck
7/16/03

RESPONSE E AFTER FINAL REJECTION

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JUL 15 2003
GROUP 3600

Art Unit 3671
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicant respectfully requests reconsideration of the examiner's final rejection of claims 23 and 25 as anticipated by the Mason '130 patent. The essential basis for the examiner's rejection is that the Mason drill barrel is "substantially open at its proximal end." The examiner refers to Figure 1 of Mason in support of his position. Please look closely again at Figure 1 of Mason '130. As clearly depicted in Figure 1, and as explicitly stated at column 2, lines 49 – 50, hood 22 forms "an enclosed chamber about the entire operating mechanism of the machine." Hood 22, which is in the shape of the frustrum of a cone, seals off the entire proximal end of Mason's barrel. According to Mason, "with this construction, any loose or surrounding material is prevented from falling or leaking into the operating parts of the machine." Thus, Mason's hood 22, disposed at the proximal end of the barrel, is designed for the stated purpose of preventing any excavation material from falling into the barrel. This is directly contrary to the

teaching of applicant's invention, and in no way satisfies the requirement of claims 23 and 25 that the proximal end of the barrel be "substantially open." How can Mason's completely sealed barrel be considered to anticipate applicant's claimed invention, which is "substantially open" at its proximal end for the very purpose of receiving and collecting cuttings?

It is respectfully submitted that the examiner may have overlooked hood 22 in Figure 1 of Mason, as well as the accompanying text. Reconsideration is requested if there is any question about the disclosure of Mason '130, or the patentability of claims 23 and 25 as presented, the examiner is requested to contact the undersigned for a telephonic interview.

Respectfully submitted,



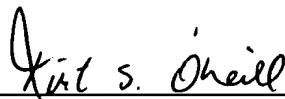
Kirt S. O'Neill, Reg. No. 38,257

Date: July 3, 2003

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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on July 3, 2003.



Kirt S. O'Neill, Reg. No. 38,257